

# NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

## *Minutes of Meeting*

January 12, 2007

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### Attendance:

Robert Clegg, Chairman, Department of Safety

Rick Swain, NH Plumbing & Mechanical Contractors Assoc., mechanical contractor, business

John Tuttle, NH Home Builders Association, Architectural designer - residential

Mark Weissflog, NH Electrical Contractors Business Assoc., licensed master electrician

Laura A. Black, PE - Board of Engineers, licensed electrical engineer

James Petersen, PE, Board of Engineers, licensed mechanical engineer

Jerry Tepe, Board of Architects, licensed architect

Thomas Malley, Bureau of Electrical Safety and Licensing, licensed master electrician

Tedd Evans, Board for Licensing and Regulation of Plumbers, licensed master plumber

Thomas Lambert, Chief, NH Association of Fire Chiefs, Municipal Fire

Wayne A. Richardson, NH Building Officials Association, municipal building official

Wes Golomb, NH Vocational Technical School, Laconia, NH

Med Kopczynski, NH Municipal Association

### Excused:

Joel Fisher, Board of Engineers, licensed structural engineer

Michael Santa, CBO, Governor's Commission on Disability, Architectural barrier/free design

Fred Baybutt, Associated General Contractors, building contractor - non-residential bldgs.

### Absent:

Mark Tibbetts, NH Association of Fire Chiefs, municipal volunteer fire chief

### Guests:

J. William Degnan, State Fire Marshal, Division of Fire Safety (?)

Chairman Clegg declared the meeting open with a quorum of Board member present.

### **GENERAL MEETING:**

#### Adoption of the meeting minutes from December 8, 2006

Tedd Evans made the **Motion** to adopt the meeting minutes from December 8, 2006. **Motion** was **Seconded** by Tom Lambert. Vote was taken. Minutes were **adopted** by a vote of the Board members with one abstention by Tom Malley.

### **OLD BUSINESS:**

#### Possibility of Code Amendment to establish a standard definition for potable water for private wells:

Tedd Evans reported that the sub-committee met this morning. The sub-committee members have different opinions on whether this is the appropriate place to be doing this - and how it might

effect obtaining a certificate of occupancy. The vote was taken to proceed to formulate a definition to bring to the Board for consideration. The sub-committee will continue to go forward working on this.

*Follow-up discussion of the Modular Home Industry - Chairman Clegg*

This Board will have to decide on how much we want to get involved. Tedd Evans asked if there was any discussion about regulating the 3<sup>rd</sup> party inspections. The Fire Marshal's office does not have the staff to go through the inspections. Wayne Richardson asked if it was local people asking the questions on the modular building program. Chairman Clegg said no, it was mostly out of state companies that are too lazy to look it up.

Wes Golomb suggested that we make Modular Homes subject to the requirement of the standard building code. Also we confirm that there is a requirement for air sealing and set a standard for that (.33 in the Code) not quite that low - meaning a third of the air in the structure is changed every hour. Or every 3 hours - all of the air is changed in the structure. In towns where there is not a full-time building official, all Modular Homes and all stick built homes will have a blower door test confirming that they meet that standard - the towns can pass that fee along onto the builder. He has discussed this with the Residential Energy Performance Association, which is the Association of raters in the State, and they are open to negotiating a long-term, relatively low-cost contract with the State to do those. We could add some language for the pass/fail.

Mark Weissflog spoke in favor of Wes's proposal. Without the testing - you would never know if a house is too tight or too loose. A building professional would look at the home and would come up with a list of recommendations. Med Kopczynski thinks it is a subject for discussion and would recommend that this be worked on by this Board.

Tedd Evans spoke with the electrician who worked on the Canfield Modular. He cautioned the Board to make sure to get both sides - not just one. Chairman Clegg said that this is now in the legislature. There are going to be people making decisions who have no idea on what is involved to building a house. He also told the Board to speak up on either side - once this legislation becomes public - they will need input. Wes reported that he has had people come in to him and asked how come Modular Housing does not have to meet the same standards as builders.

Wayne Richardson stated that as a building inspector, they are not allowed to do any kind of destructive testing to look at any particular part that has been completed. If they visually see something - then they have the authority to make them comply. He agrees that this industry needs to be looked at. The Chairman asked if he could get something in writing from the Fire Marshal's office. Evvy will ask the Fire Marshal's office in writing if Local Building Inspectors have the authority to reject something in a modular house - before they issue a stamp.

Tom Lambert asked for clarification. He asked if the issue is with the home more than the installation - and that the inspection is supposed to be with a 3<sup>rd</sup> party inspector on site at the factory. Does every home actually get inspected? Or do they set a standard that . . . Med stated that what should happen - is that a set of plans should be submitted to the State Fire Marshal. The State FMO should review the plans to make sure they meet the State Fire Code and the State Building Code. That then authorizes the plant to build the building. What also is submitted is a quality assurance plan. And what this plan is how they are going to build the building - and what the

inspection points are in the building. The 3<sup>rd</sup> party is supposed to insure that the quality insurance plan is being followed. The 3<sup>rd</sup> party will come out and make a random inspection at the plant once/twice a year - and will inspect one of the buildings on the line and see how they are complying with the quality assurance plan (QAP). The QAP will lay out in detail on how they are keeping track of the building and the details. It's like a routing slip. He thinks attention needs to be made on the qualifications of the 3<sup>rd</sup> party. Who is doing the designs - are they qualified? Are the plans submitted meeting the Codes? Who is looking at the QAP - and are they qualified? Wes stated that a lot of people he spoke with said they are from the installation after the structure came out of the factory. Chairman Clegg will watch the bills as they come out - and will let everyone know when the hearings are - it may just be a very fast turn around time so keep that in mind. Local building inspector can ignore the seal that comes on the modular buildings.

Chairman Clegg will schedule the tour of facility in Claremont in the Spring.

Penalty provision of RSA 155-A:

Tedd Evans said that the way the statute currently reads it gives reference to several of the RSA's that authorize towns to do certain enforcement of building codes and zoning enforcement and allows the towns to prosecute under a misdemeanor offense. What is missing is any reference to a Code violation is a misdemeanor for clarity sake. Med said that he would like a discussion at a later date - on state agencies enforcing Codes. He suggested as an alternative to think about - some states have abandoned the courts for enforcement for violations - they go to either special Masters or local enforcement boards - which allows a swift and reasonable approach to enforcement side. Med will bring in more information in on this for the March or April meeting.

Exhibit 24 - Public Hearing Scheduled for February 9, 2007.

Self-explanatory. No further discussion.

Discussion re: Building Code Review Boards - FAQ Section:

Jerry Tepe reported that he thinks that he and Mike Santa corrected all the areas that needed to be checked. Rick Swain made the **Motion** to put the changes made by Jerry and Mike to the FAQ Section - back up on the website. **Motion** was **Seconded** by Tedd Evans. Vote taken was **Unanimous** in favor and declared such by the Chair.

Letter received from All-Ways Accessible Corporation in Concord

The Chair said this is a legislative matter. Asked the Board if they wanted weigh in on it or not. Jerry said what we could do is mimic what is in the Building Code for the Residential Code and in essence in compliance with national standards for elevators and lifts. Would the installation require a building permit?

**OTHER BUSINESS:**

Wayne Richardson inquired about local jurisdictions adopting Codes. . . . does anyone else have this problem? Is this not in compliance with RSA 155? The Attorney General's office will be invited to February's meeting to help in discussion on this subject. The adoption of the 2006 Editions should have been put before the legislature. The Chair will watch for it to come out.

**ADJOURNMENT**

There being no further business, the *Chair* accepted a **Motion** to adjourn. Motion was duly **Seconded** declared the meeting adjourned after a **Unanimous** vote.